

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JAMES TRACY,

Defendant.

DECISION AND ORDER
19-CR-6-A

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On January 25, 2021, defendant James Tracy appeared before Magistrate Judge Roemer and entered a plea of guilty to Count 6 of the Superseding Indictment which charges him with receipt of child pornography by a person having a prior conviction for aggravated sexual abuse, sexual abuse or abusive sexual conduct in violation of 18 U.S.C. § 2252A(a)(2)(A) and § 2252A(b)(1).

Magistrate Judge Roemer issued a Report and Recommendation (Dkt. No. 59) confirming his oral findings (see Dkt. No. 60) that defendant Tracy's plea of guilty was knowing, voluntary, and supported by a factual basis. It is hereby

ORDERED that, upon review of the transcript of the January 25, 2021, change-of-plea proceeding before the Magistrate Judge, and the Report and Recommendation, the Court finds that defendant Tracy's plea of guilty was knowing, voluntary, and has a factual basis. Accordingly, defendant Tracy's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 59. Sentencing is scheduled for June 16, 2021 at 12:30

pm. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

IT IS SO ORDERED.

s/*Richard J. Arcara*

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 26, 2021